IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5071 OF 2005

Praful Kantilal Rokadia ..Applicant

Vs.

State of Maharashtra & Anr. ...Respondents

...

Mr.A.H.H.Ponda Advocate for Applicant
Mr.S.R.Shinde A.P.P. for the State
Mr.Vikas Sharma for Respondent no.2

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 14,2005

P.C.

1. Heard the learned advocate for the applicant, learned advocate for the respondent no.2-complainant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned Metropolitan Magistrate, 13th Court at Bhoiwada, Mumbai in C.C.No.121/SS/2005. In the said case process was issued against the applicant under Section 138 r.w. 142 of Negotiable

Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

. The learned advocate for the respondent no.2-complainant fairly states that no objection

will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

7. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]